



Practitioner's Docket No.: 810_534RCE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Merle Dana Sears et al.

Ser. No.: 10/038,438

Group Art Unit: 3743

Filed: January 7, 2002

Examiner: Leo, Leonard R.

For: AIR BAFFLE ATTACHMENT TO A HEAT EXCHANGER

Mail Stop Non Fee Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail addressed to Mail Stop Non Fee Amendment, Commissioner for Patents, P.O. Box 14500, Alexandria, VA 22313-1450 on April 16, 2004.


Christiné M. Holmes

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER PRIOR PATENTS**

Sir:

Your petitioner, Carrier Corporation, residing at Carrier World Headquarters One Carrier Place, Farmington CT 06034, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Ser. No. 10/038,438, filed January 7, 2002. Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent 6,564,795, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 6,564,795, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantees, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination

certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the petitioner identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the petitioner.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FEE STATUS
(37 C.F.R. § 1.20(d))

Other than a small entity \$110.00

FEE PAYMENT

Attached is a check in the sum of \$110.00.
 Charge Account 50-0289 for any fee deficiency.

Respectfully submitted,



Dana F. Bigelow
Reg. No. 26,441

DFB/cmh

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